UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,944	11/08/2000	Robert E. Dvorak	BLFR 1000-1	3032

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EXAMINER
JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Notice of Allowability	09/708,944	DVORAK, ROBERT E.
	Examiner	Art Unit
	Romain Jeanty	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *8/24/06*.

2. ☒ The allowed claim(s) is/are *1,3-13,16-23,25-33,65,67-85 and 112-115*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

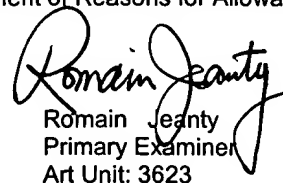   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Romain Jeanty
Primary Examiner
Art Unit: 3623

<div align="center">**EXAMINER'S AMENDMENT**</div>

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

In the claims:

The following is a list of claims pending in this application and their current status. This

listing replaces all prior versions and listings in the application.

1.   (Previously presented) A computer-implemented method for adjusting a retail

location-product specific selling profile for a product, the computer-implemented method

including:

collecting on machine-readable memory a multitude of retail location-product specific

selling profiles that record daily or more frequent historical data for sales, the historical data

reflecting at least random variations in sales, systematic variations in sales due to day of the

week and day of the year, and systematic variations in sales due to any promotions benefiting the

retail location;

maintaining on machine-readable memory a retail location promotions calendar that

includes historical data that tracks promotion of the product at the retail location by effective

dates and by type of promotion and a corresponding estimated systematic variation in sales

caused by the type of promotion;

repeatedly for a plurality of products across a plurality of retail locations,

retrieving the retail location-product specific selling profile for a selected historical period;

accessing the retail location promotions calendar data and identifying any promotions that benefited the retail location during the selected historical period; and

automatically adjusting the historical data in the retail location-product specific selling profile to reflect the estimated systematic variation in sales caused by the promotions of the product at the retail location using at least the identified promotions from the retail location promotions calendar; and

storing to machine-readable memory the automatically adjusted historical data.

2.   (Cancelled)

3.   (Previously presented) The method of claim 1, wherein the promotions calendar identifies advertising of the product.

4.   (Previously presented) The method of claim 1, wherein the promotions calendar identifies a preferential display of the product.

5.   (Previously presented) The method of claim 1, wherein the promotions calendar identifies a price reduction applied to the product.

6.   (Previously presented) The method of claim 1, further including adjusting the historical data in the retail location-product specific selling profile to correct for seasonal selling effects.

7.   (Previously presented) The method of claim 6, wherein the adjusting to correct for seasonal selling effects includes ratioing the retail location-product specific selling profile with an aggregate profile that includes historical data for non-promoted products.

8.   (Original) The method of claim 7, wherein the non-promoted products are non-seasonal or basic products.

9.   (Original) The method of claim 7, wherein the non-promoted products are seasonal products.

10. (Previously presented) The method of claim 1, further including adjusting the retail location-product specific selling profile to correct for special selling days which impacted the historical data.

11.   (Original) The method of claim 10, wherein the special selling days include one or more days preceding Valentines Day, Mothers Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving or Christmas.

12.   (Original) The method of claim 10, wherein the special selling days include one or more days following Thanksgiving or Christmas.

13.   (Original) The method of claim 10, wherein the special selling days include back to school days.

14.-15. (Cancelled)

16.   (Previously presented) The method of claim 1, wherein the daily or more frequent historical data includes a stock on hand indicator, further including adjusting the historical data to correct for a stock out at the retail location.

17.   (Previously presented) The method of claim 16, wherein the adjusting to correct for the stock out includes evaluating the historical sales data and the stock on hand indicators for the location and correcting for lack of sales attributable to failure to display stock on hand.

18.   (Previously presented) The method of claim 16, wherein the adjusting to correct

for the stock out includes evaluating the historical sales data and the stock on hand

indicator for the location and filling in sales for days preceding first dates of sales for the

location.

19.   (Previously presented) The method of claim 16, wherein the adjusting to correct

for the stock out includes evaluating the historical sales data and the stock on hand

indicator for the location and correcting for outlying sales at the location attributable to

false indications of stock on hand.

20.   (Previously presented) The method of claim 16, wherein the adjusting to correct

for the stock out includes evaluating the historical sales data and the stock on hand

indicator for the location and filling in sales for days following final dates of sales, after

excluding outlying sales at the locations.

21.   (Previously presented) The method of claim 3, wherein the daily or more frequent

historical data includes a stock on hand indicator, further including adjusting the

historical data to correct for a stock out at the retail locations.

22.   (Previously presented) The method of claim 4, wherein the daily or more frequent

historical data includes a stock on hand indicator, further including adjusting the

historical data to correct for a stock out at the retail locations.

23.   (Previously presented) The method of claim 5, wherein the daily or more frequent

historical data includes a stock on hand indicator, further including adjusting the

historical data to correct for a stock out at the retail locations.

24.   (Cancelled)

25.   (Currently amended) A computer-implemented method for adjusting a retail

location-product specific selling profile for a product, the computer-implemented method

including:

        collecting on machine-readable memory a multitude of retail location-

product specific selling profiles that record daily or more frequent historical data

for sales, the historical data reflecting at least random variations in sales,

        systematic variations in sales due to day of the week and day of the year, and

occasional variations in sales due to a stock out condition at the retail location;

        repeatedly for a plurality of products across a plurality of retail locations,

        retrieving at least one retail location-product specific selling profile

that includes accumulated daily or more frequent historical data for at least

one product;

        wherein the historical data includes a stock on hand indicator,

        adjusting the retail location-product specific selling profile to correct for a

stock out by [[evaluation]] evaluating the historical sales data and the stock on hand

indicator; and

        storing to machine-readable memory the automatically adjusted

historical data.

26.   (Previously presented) The method of claim 25, whereby the adjusting corrects

for lack of sales attributable to failure to display stock on hand.

27.   (Previously presented) The method of claim 25, whereby the adjusting fills in

sales for days preceding first dates of sales for the locations.

28.   (Previously presented) The method of claim 25, whereby the adjusting corrects

for outlying sales at the locations attributable to false indications of stock on hand.

29.   (Previously presented) The method of claim 25, whereby the adjusting fills in

sales for days following final dates of sales, after excluding outlying sales at the

locations.

30. (Previously presented) The method of claim 25, wherein the stock out is corrected

using average sales levels.

31. (Previously presented) The method of claim 25, wherein the stock out is corrected

using profiled sales levels.

32.   (Original) The method of claim 25, wherein a selection among types of out of

stock corrections requires no user selection.

33.   (Original) The method of claim 25, wherein a selection among types of out of

stock corrections is made by a user.

34-64. (Cancelled)

65.   (Previously presented) A computer-implemented method for generating a

projected location specific-retail sales profile for a particular product, the computer-

implemented method including:

       collecting on machine-readable memory a multitude of retail location-

product specific selling profiles that record daily or more frequent historical data

for sales, the historical data reflecting at least random variations in sales,

systematic variations in sales due to day of the week and day of the year, and

       systematic variations in sales due to any promotions benefiting the retail location;

maintaining on machine-readable memory a retail location promotions calendar that includes historical data that tracks promotion of the product at the retail location by effective dates and by type of promotion and a corresponding estimated systematic variation in sales caused by the type of promotion;

repeatedly for a plurality of products across a plurality of retail locations,

accessing at least one adjusted or unadjusted location specific-retail selling profile that includes accumulated daily or more frequent historical data for at least one product; and

projecting a future sales profile by adjusting the location specific-retail selling profile to reflect sales lift from one or more promotions planned for the product and entered in the retail location promotions calendar, using the at least one adjusted or unadjusted location specific-retail selling profile and the retail location promotions calendar; and

storing to machine-readable memory the projected future sales profile.

66.   (Cancelled)

67.   (Previously presented) The method of claim 65, wherein the product has a time period for sales, further including truncating the location specific-retail selling profile to a time period the same length as the time period for sales.

68. (Previously presented) The method of claim 67, further including scaling historical data for the truncated location specific-retail selling profile so that the scaled sales profile projections sum to 1.0.

69. (Previously presented) The method of claim 65, wherein the promotions have starting dates and ending dates and the starting dates and the ending dates are used in adjusting the location specific-retail selling profile.

70.   (Previously presented) The method of claim 65, wherein the promotions include advertising of the product.

71.   (Previously presented) The method of claim 69, wherein the promotions include advertising of the product.

72. (Previously presented) The method of claim 65, wherein the promotions include a preferred display of the product.

73. (Previously presented) The method of claim 69, wherein the promotions include a preferred display of the product.

74. (Previously presented) The method of claim 65, wherein the promotions include a reduced price for the product.

75. (Previously presented) The method of claim 69, wherein the promotions include a reduced price for the product.

76. (Previously presented) A computer-implemented method of revising a plurality of retail location distribution shares for a particular product, taking into account planned promotions of the particular product, the computer-implemented method including:

collecting on machine-readable memory a multitude of retail location-product specific projected sales profiles that record daily or more frequent projected sales;

maintaining on machine-readable memory a retail location promotions calendar that includes planning data that tracks promotion of the product at the retail location by effective dates and by type of promotion and a corresponding estimated systematic variation in sales caused by the type of promotion;

repeatedly for a plurality of products across a plurality of retail locations,

accessing a plurality of the projected sales profiles, by retail location, for a

particular product;

automatically adjusting the projected sales profiles using at least the planning data

from the retail location promotions calendar to reflect sales lift from one or more promotions

planned, by retail location, for the particular product and entered in the retail location promotions

calendar;

revising a plurality of location distribution shares based on the adjusted projected

sales profiles.

77.   (Original) The method of claim 76, wherein the promotions include advertising of

the particular product.

78.   (Original) The method of claim 76, wherein the promotions include a preferred

display of the particular product.

79.   (Original) The method of claim 76, wherein the promotions include a reduced

price of the particular product.

80.   (Currently amended) A computer-implemented method of revising a plurality of

location distribution shares for a particular product, taking into account planned

promotions of the particular product, the computer-implemented method including:

collecting on machine-readable memory a multitude of retail location-product specific

projected sales profiles that record daily or more frequent projected sales;

maintaining on machine-readable memory a retail location promotions

calendar that includes planning data that tracks promotion of the product at the

retail location by effective dates and by type of promotion and a corresponding

estimated systematic variation in sales caused by the type of promotion;

      repeatedly for a plurality of products across a plurality of retail locations,

      accessing a plurality of the projected daily or more frequent sales

profiles, by retail location, and a plurality of retail location distribution

shares, for a particular product; and

      automatically adjusting the retail location distribution shares <u>using</u>

<u>at least the planning data from the retail location promotions calendar</u> to

reflect a weighted mix of the projected daily or more frequent sales

profiles and an actual daily or more frequent sales; and

      storing to machine-readable memory the automatically adjusted

retail location distribution shares.

      81.   (Original) The method of claim 80, wherein the actual daily or more frequent

sales are for a group of products.

      82.   (Original) The method of claim 80, wherein the weighted mix is calculated using

weight = [(actual sales / projected sales) * (1 - factor)] + (factor).

      83.   (Original) The method of claim 82, wherein the factor selected is between 0.0 and

1.0.

      84.   (Original) The method of claim 80, wherein the weighted mix is calculated

proportional to an elapsed period of sales.

      85.   (Original) The method of claim 80, wherein the weighted mix is calculated

proportional to actual sales divided by projected sales.

86.-111. (Cancelled)

112. (Previously presented) The method of claim 1, wherein the retail location-product specific selling profile includes a group of retail locations selected to have similar sales patterns.

113. (Previously presented) The method of claim 112, wherein the group is large enough to overcome random selling noise.

114. (Previously presented) The method of claim 1, wherein the retail location-product specific selling profile includes a group of products selected to have similar sales patterns.

115. (Previously presented) The method of claim 114, wherein the group is large enough to overcome random selling noise.
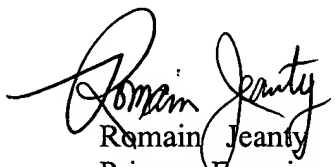
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am. to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 13, 2006

Remain Jeanty
Primary Examiner
Art Unit 3623